

FORTY-EIGHTH ANNUAL REPORT
OF THE
MOTION PICTURE CENSOR BOARD

MARYLAND

HALL OF RECORDS
ANNAPOLIS, MARYLAND



FISCAL YEAR
1964

Forty-eighth Annual Report
MARYLAND STATE BOARD
OF
MOTION PICTURE CENSORS

1963-1964

NORMAN C. MASON
Chairman

ROSALYN M. SHECTER
Vice-Chairman

MARY AVARA
Secretary

ELWOOD L. GEBHART
Executive Assistant



Offices

State Office Building
301 West Preston Street
Baltimore, Maryland 21201



J. Millard Tawes
Governor of Maryland



NORMAN C. MASON
CHAIRMAN
MRS. LOUIS E. SHECTER
VICE-CHAIRMAN
MRS. MARY AVARA
SECRETARY

STATE OF MARYLAND
MOTION PICTURE CENSOR BOARD
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ELWOOD L. GEBHART
EXECUTIVE ASSISTANT

August 31, 1964

THE HONORABLE J. MILLARD TAWES

GOVERNOR OF MARYLAND

ANNAPOLIS, MARYLAND

DEAR GOVERNOR:

Pursuant to Section 9, Article 66A of the Annotated Code of Maryland, I present herewith the Forty-eighth Annual Report of the Maryland State Board of Motion Picture Censors for the fiscal year July 1, 1963 through June 30, 1964.

Respectfully submitted, I am

Sincerely yours,

Norman C. Mason
Chairman

WORK OF THE BOARD

During the Fiscal Year, the Board of Motion Picture Censors reviewed 572 original films in addition to 630 re-issued, (films that have been reprinted by film companies and returned to the distribution market for exhibition in theaters, and processed 4,719 duplicate prints. There were 244 substitute seals issued to replace seals that had been lost or destroyed. Forty-two (42) films were modified in part, and nine (9) films were rejected in toto. The Board met on numerous occasions to hear Appeals on ten (10) different films, in accordance with Section 19, Article 66A, the Annotated Code of Maryland. The Board changed the title of "Supervisor of Motion Picture Reviewers and Inspectors" to "Senior Motion Picture Inspector". The change was brought about because of prior changes of classifications which now include three (3) motion picture inspectors.

The Board furnished speakers on Censorship to various organizations. Mrs. Rosalyn M. Shecter, Vice-Chairman, addressed the Business and Professional Club, and used as her topic "Is Obscenity Entertainment"? Mrs. Shecter was called upon to supply articles for the Baltimore News Post and WBAL-TV, in answer to articles opposing Censorship of films.

Mr. Elwood L. Gebhart, Executive Assistant to the Board addressed four (4) different groups consisting of two (2) High Schools, a Church Group and a Women's Club, on the problems and functions of Motion Picture Censorship in Maryland.

LEGISLATIVE SUB-COMMITTEE INVESTIGATION

A Legislative Sub-Committee consisting of Senator James A. Pine, Baltimore County, Chairman, Senator Joseph W. Alton, Jr., Anne Arundel County, and Delegate W. Dale Hess, Harford County, was appointed to make a broad study of the Censor Board, including its procedures, its composition, and the enforcement of the censorship laws. This committee was appointed pursuant to Senate Resolution 62 adopted at the 1963 session of the General Assembly. During a number of meetings, the committee interviewed the entire staff of the Board Of Motion Picture Censors, and gave the various representatives of the Motion Picture Industry a chance to air their views on matters relating to the censoring of films.

During this investigation, the committee along with other members of the General Assembly, namely: Senator H. Winship Wheatley, Jr., Prince Georges County, Edward T. Hall, Calvert County and Robert P. Dean, Queen Anne County, viewed a questionable film entitled: "Career Girls On A Naked Holiday".

The committee also reviewed the controversial film entitled "Promises, Promises", starring Jane Mansfield who appeared in partially nude exposures throughout the film. In a release to the Sunpapers Senator Pine said the film "stinks", and went on to say that the film "shouldn't be censored, it should be thrown in the garbage heap. Take the nudity out and there's nothing left."

PROPOSED LEGISLATION

During the 1964 General Assembly, Senate Bill #23, was introduced to classify films for exhibition to persons under 17 years of age. This Bill was referred to the Committee on Rules and died in committee.

COURT OPINIONS

On July 2, 1963 the *Baltimore City Court* substantiated the Board's action in requesting deletion of scenic matter from the film "Have Figure Will Travel", prior to its exhibition in the State of Maryland. Judge Joseph L. Carter ruled

that the calculated purpose and the dominant effect of the film, considered as a whole, is to arouse sexual desires. By virtue of the objectionable scenes in the film "Have Figure Will Travel", its character can accurately be described as a "sexer".

On March 4, 1964 the *Court of Appeals of Maryland* reversed the Baltimore City Court decision, in deleting scenes from the film "Have Figure Will Travel" and held that the deletion of scenes showing the girls unclothed on the boat was unwarranted, and that nudity is not necessarily obscene or lewd.

On July 5, 1963 the *Baltimore City Court* dismissed a \$250,000 damage claim by a motion picture exhibitor and distributor against the State censors, without a hearing. Judge Edwin Harlan ruled that "the Maryland Censor Board acting in its state capacity was immune to suit in regard to its official acts unless the Legislature has removed this immunity". The suit was brought about by Robert T. Marhenke under the trade name of Leo Films Distributors, wherein a claim for \$250,000 individually and as officers and directors of the Maryland State Board of Censors, respectively, Norman C. Mason, Chairman, Mrs. Rosalyn M. Shecter, Vice-Chairman, and Mrs. Mary Avara, Secretary was filed.

On February 4, 1964 the *Court of Appeals of Maryland* substantiated the Baltimore City Court decision of June 20, 1963, in charging Mr. Ronald Freedman in violation of Section 2, Article 66A, Annotated Code of Maryland, (1957 as amended) for exhibiting the film "Revenge at Daybreak", without the Seal and License as required by State Law. The Court of Appeals of Maryland held that the requirement of Article 66A, Section 2, "that films be submitted to the Censor Board for approval and licensing before public exhibition is valid and enforceable."

On June 16, 1964 the *Baltimore City Court* substantiated the Board's action in rejecting the film titled "White Slaves of Chinatown" in toto. The Board found that the film as a whole, deals purposely and effectively with sex in a manner which appeals to the morbidly prurient interests. The Board further found the film to lack any artistic, cultural, or other value which might be considered redemptive. Judge Anselm Sodaro summarized the film as an immoral exhibition of masochism in its lowest form and sadism in its most depraved state, compounded by a heavy dosage of Lesbianism. He further stated that the film is neither literary in nature, artful in presentation, nor innocent in purpose. Its calculated purpose and dominating effect is substantially to arouse the basest sexual desires. The entire film deals with sex in a manner appealing to the prurient interests, having a tendency to excite lustful thoughts. Judge Sodaro said "the Court agrees with the Board's findings and affirms its decision."

PENDING COURT ACTIONS

The *Supreme Court of the United States* has agreed to review a decision of the Maryland Court Of Appeals, upholding the constitutionality of Maryland's motion picture censorship law. The appeal was made by Ronald L. Freedman, of the Rex Theatre in Baltimore.

The *Court of Appeals of Maryland* has received an appeal of the decision of Judge Anselm Sodaro, on June 16, 1964, upholding the Board's rejection of the film entitled "White Slaves of Chinatown". The Appeal was made by Ronald L. Freedman, Baltimore Film Society, Inc. (Rex Theatre) Baltimore, Maryland.

The *Circuit Court of Worcester County* has a case for the State of Maryland (Motion Picture Censor Board) vs. Mr. Robert T. Marhenke, which has been pending for some time, because of changes in State's Attorneys within that county.

The *Baltimore City Court* has four (4) cases involving one theatre on various charges of infractions of the Maryland Censorship Statute, which have been pending for some time, and are scheduled for hearings during the summer court term.

FILM "WONDROUS STORY OF BIRTH" APPROVED RELUCTANTLY

On July 10, 1963, the Board examined a short film titled "The Wondrous Story of Birth", submitted by a Mr. Allen of Alexander Enterprises, Springfield, Ohio. The Board issued a "Press Release" as an explanation to the public of its position regarding the release of this type film.

The Board stated that it had released the film because of their sworn duty to apply the law of this State regarding censorship of motion pictures as that law exists; and not as the Board would wish it to be. "The Wondrous Story of Birth", a short motion picture depicting in color, the delivery of a child from its mother both by natural process and caesarean section. The Birth of a child is a mysterious and wonderful process, and even though the detailed motion picture study of this procedure necessarily involves intimate exposure of the human body, the Board could not classify these scenes as obscene. Since obscenity, and not bad taste or vulgarity, is the only ground on which the Board may refuse to license a motion picture, this film has been licensed.

The Board however, has the gravest reservations concerning the exhibition of this motion picture to the public at large, and especially to persons of tender years. The proper forum for such an exhibition, in the Board's opinion, would be in classes of Biology and kindred subjects in the schools, or under similar proper supervision. We do not, however, have the authority to so limit exhibition of any film. Under our law, once licensed by this Board, this or any other film may be shown to every class of person, minor and adult, in any theatre in this State.

The Board is greatly disturbed by the fact that films of this nature have in the past been exhibited in drive-in theatres and other theatres catering to the juvenile trade. It is our feeling that an appeal has been made in the past to the prurient interest of the young people of this State, under the guise of educational or instructional films. In some cases the exhibition of films of this nature has been accompanied by sales in the theatre of books purporting to deal with sex hygiene and instructions, aimed at the teenage citizen. In the instant case, the person submitting this film for licensing to this Board has advised a member of our staff that it is his intention to accompany the exhibition of this film with the sale of such literature - a situation which we deplore, but have no authority to prevent. On at least three occasions in recent years this Board has asked the Maryland Legislature for authority to classify certain motion pictures as objectionable for teenagers and to permit the same to be viewed only by adults. The Legislature has not seen fit to grant such authority. We believe that the licensing of this film points up the necessity for such legislation.

NUDIST FILM RECONSIDERED AND APPROVED RELUCTANTLY

On October 23, 1963, the Board together with members of a Legislative Subcommittee examined the film entitled "Promises, Promises", starring Jayne Mansfield. It was decided at this time to eliminate all nude exposures appearing throughout five (5) different reels of the film. An order of elimination was signed by Mr. Norman C. Mason, Chairman and a copy was furnished the Wheeler Film Distributors in Washington D.C., applicant for license in Maryland.

On March 10, 1964, the Board, together with the Assistant Attorney General, re-examined the entire film. The Board was advised to release the film for exhibition, inasmuch as the Maryland Court Of Appeals had ruled on a similar film on March 4, 1964, and said that the film was not obscene in the legal sense of the word. The Board questioned the effect it might have on persons under 18, but having been sworn to execute the laws of the State as enacted by the General Assembly and interpretations by the Courts, they reluctantly released the film for exhibition.

FILMS OF LOW MORAL TONE

The Board has reviewed a number of films of low moral tone, dealing with various sexual activities throughout, mostly adultery, lesbianism, etc. In many of these type films most of the activity was implied and no actual sexual activity shown, though the films as a whole were of a very low moral tone. The State Law Department felt that the Board's rejection of these films as presented, would not be upheld in court, and therefore the Board acted within the limits of the law and licensed said films.

FINANCIAL STATEMENT

The year's total receipts were \$69,179.25 This revenue was derived from fees required by law for the Board's examination of films. After defraying expenses of \$64,571.28, the sum of \$4,607.97 was reverted to the Treasury. The all-time sum reverting to the Treasury amounts to \$582,994.20, since the inception of the Board.

INSPECTIONS

During 2,754 visits made to theatres throughout the fiscal year, the Motion Picture Inspectors examined 5,706 films and found 262 infractions of the law, which were corrected without delay. Inspections of all theatres throughout the State are made periodically, to check compliance with the State Motion Picture Censorship Law, and orders issued by the Board.

MARYLAND STATE BOARD OF MOTION PICTURE CENSORS

For the Fiscal Year Ending June 30, 1964

RECEIPTS

(a) Licenses (Original)	\$ 21,504.00
(b) Licenses (Duplicate)	47,431.25
(c) Licenses (Substitute)	244.00
Grand Total.....	\$ 69,179.25

TOTAL ANNUAL RECEIPTS FOR FORTY-EIGHT YEAR PERIOD

	<u>Receipts</u>	<u>Expenses</u>	<u>Receipts in Excess of Expenditures</u>
1916—1964	\$2,368,611.00	\$1,785,616.80	\$582,994.20
Budget Appropriation July 1, 1963 through June 30, 1964			\$ 69,480.00

DISBURSEMENTS

Operating expenses:

Salaries	\$ 49,624.67
Technical & Special Fees	5,768.75
Communication	1,208.08
Travel	3,785.06
Motor Vehicle Operation & Maintenance	335.65
Contractual Services	2,895.02
Materials & Supplies	726.55
Fixed Charges	227.50

Total Disbursements \$ 64,571.28

Amount Unexpended Appropriations as of June 30, 1964 \$ 4,908.72

MARYLAND STATE BOARD OF MOTION PICTURE CENSORS
CLASSIFICATION OF FILMS
July 1, 1963---June 30, 1964

1963	Features	Short Subjects	Cartoons	Serials	Adver- tising	Misc.
July	309	32	38	0	0	0
August	325	34	74	0	3	0
September	345	20	128	0	3	0
October	419	36	197	0	5	0
November	313	59	77	0	0	0
December	447	46	38	0	2	0
1964						
January	341	44	91	15	2	0
February	330	48	40	0	2	0
March	346	52	33	15	1	0
April	402	71	56	0	5	0
May	452	43	43	0	0	0
June	463	63	54	0	2	0
TOTALS	4,492	548	869	30	25	0

SUMMARY OF REPORT

Films, Original	1,245			
Films, Duplicate	4,719			
Reels, Original		7,949		
Reels, Duplicate		35,967		
Number of Feet, Original			6,578,780	
Number of Feet, Duplicate			34,723,303	
Films Approved, Original				1,202
Films Approved, Duplicate				4,711
Films Modified in Part, Original				34
Films Modified in Part, Duplicate ..				8
Films Denied				9
TOTALS	5,964	43,916	41,302,083	5,964